

EXHIBIT 1

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AUTHORS GUILD, et al.

Plaintiffs,

v.

OPENAI INC., et al.,

Defendants.

No. 23-cv-08292-SHS
No. 23-cv-10211-SHS
No. 24-cv-00084-SHS

JONATHAN ALTER, et al.,

Plaintiffs,

v.

OPENAI, INC., et al.,

Defendants.

NICHOLAS A. BASBANES, et al.,

Plaintiffs,

v.

MICROSOFT CORPORATION, et al.,

Defendants.

**DECLARATION OF MICHAEL TRINH IN SUPPORT OF DEFENDANTS’
MOTION FOR LEAVE TO FILE UNDER SEAL**

I, Michael Trinh, hereby declare as follows:

1. I am Associate General Counsel at OpenAI. I submit this declaration on behalf of the OpenAI Defendants in support of their motion to seal documents referenced in Plaintiffs’ letter brief seeking a pre-motion conference regarding OpenAI’s custodians. I have personal knowledge of the facts set forth below and if called as a witness, could testify competently thereto.

2. The OpenAI documents attached to Plaintiffs’ letter brief were produced during the course of discovery in this matter and are designated “CONFIDENTIAL,” “HIGHLY

CONFIDENTIAL – SOURCE CODE,” or “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.”

3. The material contained within these documents falls into two categories of information: (i) discussions between OpenAI employees describing detailed processes for training and testing ChatGPT models¹; and (ii) forward-looking strategic business discussions.²

4. **Category (i).** The specific processes OpenAI employs to train and test ChatGPT models, including the sources of data used to train the models and tests run to evaluate the models’ accuracy, constitute highly sensitive proprietary information. OpenAI treats such information as confidential or highly confidential. OpenAI generally does not publicly disclose this type of information and takes steps to ensure the confidentiality of that information is maintained, particularly given the highly competitive nature of the artificial intelligence industry with global stakeholders.

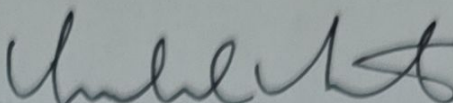
5. **Category (ii).** OpenAI also treats forward-looking strategic business discussions as confidential or highly confidential. OpenAI generally does not publicly disclose strategic decision-making, deliberations, and discussions amongst high-level executives to prevent competitive harm to OpenAI.

6. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

¹ OPCO_SDNY_0869377; OPCO_SDNY_0860544; OPCO_SDNY_0856216; OPCO_SDNY_0855410; OPCO_SDNY_0855408; OPCO_SDNY_0854936; OPCO_SDNY_0638422; OPCO_SDNY_0066932; OPCO_SDNY_0047585; OPCO_SDNY_0047384; OPCO_SDNY_0046862; OPCO_SDNY_0012603; OPCO_SDNY_0000746.

² OPCO_SDNY_0854975.

Executed this 30th day of August, 2024 in Redwood City, CA.

By: 

Michael Trinh
Associate General Counsel
OpenAI